

## Schutzjuden and opportunistic criminality in the Early Modern period: the Lemmel family from Neustadt-Eberswalde

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Despite a recommendation by *Kriegsrat* Trost and the local magistrate, in 1773 the *Generaldirektorium* refused to appoint Isaak Lemmel as Chief Elder of the Kurmark Jews. The Jews of the Kurmark and Berlin had objected to Isaak Lemmel's appointment, producing evidence according to which he was unfit for office, having even served a custodial sentence in Spandau prison.<sup>1</sup> This ruling raises several issues around the status and influence of *Schutzjuden* in Prussia's Jewish and non-Jewish society, and the quality of the relationships between the authorities and the *Schutzjuden*. The example of Isaak Lemmel and his family is used to examine the phenomenon of opportunistic crime in everyday Jewish life in the context of the structure of the Jewish community in a Christian environment, and provides an especially illuminating perspective.

*Schutzjuden* were dependent on the protection they were afforded which varied regionally according to the protector. This explains why most studies on Jewish life focus either on individual towns or on smaller areas or individual villages;<sup>2</sup> in this regard the southwest in the Old Reich has been particularly well researched.<sup>3</sup> Detailed studies of Prussia's small urban or rural areas still remain to be carried out. To understand the complexities of the life of an eighteenth century Prussian *Schutzjude*, this study looks at the Lemmel family - their background and social

<sup>1</sup> Selma Stern, *Der preußische Staat und die Juden*, III. Pt 1. Darstellung, Tübingen 1971, p. 293; also Selma Stern, *Der preußische Staat*, III. Pt 2. Akten 1. Halbband, Akte Nr. 434, pp. 562–564, esp. p. 563. This article was translated from the German by Marion Koebner.

<sup>2</sup> Steven M. Lowenstein, *The Berlin Jewish Community: Enlightenment, Family, and Crisis, 1770–1830*, Oxford 1994; Brigitte Heidenhain, *Juden in Wriezen: Ihr Leben in der Stadt von 1677–1940 und ihr Friedhof*, Potsdam 2007. For a comprehensive review of the current literature see Tobias Schenk, Hertz Eschwege (1772–1836). Ein jüdischer Pharmazeut und Manufakturunternehmer in Brandenburg im 'Zeitalter der Emanzipation', in *Jahrbuch für Brandenburgische Landesgeschichte* 59, Berlin 2008, pp. 107–136, esp. pp. 107–110.

<sup>3</sup> Cf. Sabine Ullmann, *Nachbarschaft und Konkurrenz: Juden und Christen in Dörfern der Markgrafschaft Burgau, 1650 bis 1750*, Göttingen 1999; Rolf Kießling, Sabine Ullmann (eds.), *Landjudentum im deutschen Südwesten während der frühen Neuzeit*, Berlin 1999; Claudia Ulbrich, *Shulamit und Margarete: Macht, Geschlecht und Religion in einer ländlichen Gesellschaft des 18. Jahrhunderts*, Vienna 1999; Johannes Mordstein, *Selbstbewusste Untertänigkeit: Obrigkeit und Judengemeinden im Spiegel der Judenschutzbriefe der Grafschaft Öttingen 1637–1806*, Epfendorf Neckar 2005.

conditions - over three generations in the general context of Eberswalde's *Schutzjuden*. This provides an insight into the social dynamic of the relationship between Prussian *Schutzjuden* and the authorities during the Early Modern period. Whilst the current academic debate concerns the significance of the role played by the Early Modern Prussian civil service - influenced by enlightened absolutist thinking - in the integration of the Jews into the state and whether the resulting bureaucratisation can be regarded as an achievement by the absolutist state, this study will focus on how the *Schutzjuden* - given the restrictions imposed on their daily lives by the ruling class - sought to achieve existential security.<sup>4</sup> That they exploited the state infrastructure to secure rights is evidence that they were emancipated according to their own point of view. The fact that one of them had the support of the Prussian local authorities - but not of Jewish community members - is integral to this complex piece of history.

The term *Schutzjude* implies a homogenous group of Jews: male, relatively protected by privilege and reasonably well off: in other words the Jewish middle class. This provisional image arises firstly because, until now, female *Schutzjuden* have rarely been studied, and it seems self-evident that we should know about both the other groups - usually referred to by the shorthand Court Jews and Jewish peddlers - "above and below" this societal level.<sup>5</sup> Examples of well-known female *Schutzjuden* include Esther Liebmann, the Court Jewess in Berlin, and Glickl bas Leib, also known as Glikl von Hameln whose memoirs have been handed down.<sup>6</sup> However, detailed research on the work of Jewish women as well as their contribution to improving their quality of life has yet to be undertaken.<sup>7</sup> The Prussian State went to great lengths to categorise its Jews;<sup>8</sup> it is the intention here to shed light on the impact on daily life of this body of legislation.

<sup>4</sup>For a discussion and citations concerning the debate see Tobias Schenk, *ibid.* pp. 108–114. Cf. also Schenk, 'Der preussische Weg der Judenemanzipation. Zur Judenpolitik des "aufgeklärten Absolutismus"', in: *Zeitschrift für Historische Forschung*, 35/3 2008, pp. 449–482, esp. pp. 471–482.

<sup>5</sup>Cited in J. Friedrich Battenberg, *Die Juden in Deutschland vom 16. bis zum Ende des 18. Jahrhunderts*, (Encyclopaedia of German History, Vol. 60), Munich 2001.

<sup>6</sup>There are numerous publications about Glickl, who provides a rich source of information. Lack of space dictates that only one is listed here: Monika Richarz (ed.), *Die Hamburger Kauffrau Glikl. Jüdische Existenz in der Frühen Neuzeit*, Göttingen 2001. Little has been written about Esther Liebmann; an exception is the essay by Deborah Hertz, 'The Despised Queen of Berlin Jewry, or the Life and Times of Esther Liebmann', in: Vivian. B. Mann, Richard I. Cohen (eds.), *From Court Jews to the Rothschilds: Art, Patronage and Power 1600–1800*, Munich-New York 1996, pp. 67–77. The Jewish ladies of the Berlin Salons are omitted here as they form a discrete group.

<sup>7</sup>Monika Richarz is right to regret the continuing absence of a social history of the work of women and men within Judaism - see Monika Richarz, 'Geschlechterhierarchie und Frauenarbeit seit der Vormoderne', in: Kirsten Heinsohn, Stefanie Schüler-Springorum (eds.), *Deutsch-jüdische Geschichte als Geschlechtergeschichte. Studien zum 19. und 20. Jahrhundert*, Göttingen 2006, pp. 87–104, esp. p. 87. A recently published case study shows how a late eighteenth century *Schutzjüdin* tried to take advantage of new doctrines by applying for a civil divorce - see Lois C. Dubin, 'Die Zivilscheidung einer jüdischen Frau im Habsburgischen Triest des späten 18. Jahrhunderts', in: Andreas Gotzmann, Stephan Wendehorst (eds.), *Juden im Recht. Neue Zugänge zur Rechtsgeschichte der Juden im Alten Reich*, Berlin 2007, pp. 81–107.

<sup>8</sup>See summary of main points in Stern, III. Pt. 1. Darstellung, pp. 71–72.

The year 1730 saw considerable restrictions to the Conditions of General Privilege of 1714. The effect of the amended 1750 General Privilege applicable to all Jews with right of abode in Prussia's old territories was to further subdivide them, and thus also the *Schutzjuden*, and impose additional restrictions on the privileges specific to each group. This classification, used in overview surveys, is presented as a simplified breakdown into 6 categories.<sup>9</sup> However, such a classification obscures the social mobility characteristic of the Prussian Jews of that period as the case of Moses Mendelssohn illustrates. Mendelssohn arrived in Berlin as a poor Jewish peddler, hired himself out as a home tutor – socially equivalent to a servant – and gradually rose through the ranks of his employer's company from bookkeeper to partner, initially "without safe conduct", as a tolerated Jew. It was only when he married the foreigner Fromet Gugenheim from Hamburg in 1762 that he acquired the protection of the Prussian King Frederick II.<sup>10</sup> In other words, assigning Mendelssohn to one of the categories normally reserved for Jews of that period would not be appropriate. It was customary for Jews in Prussia to move within their social and legal strata since they were bound by state privilege to the source of finance. The intention here is to show how Lemmel Isaak gradually built up his position in the community despite difficult conditions, how the temporary community had its private synagogue in his home, how he helped his son-in-law to secure the appointment of cantor and finally, how his son lived and worked in the Town Hall building.

The case of Isaak Lemmel also serves to raise a further issue: even where a criminal offence is concerned, the question arises as to the categorisation and evaluation of *Schutzjuden* by the Prussian authorities and by the Jewish community itself. This relationship between the Jews and the authorities will be developed by examining the social significance, in particular, of opportunistic criminality. During the last twenty years a new topic has fascinated scholars: Jewish delinquency. The realisation that Jewish crimes and criminals can shed light on life and structure within the Jewish community as well as on the relationship between Jews and non-Jews has provoked lively scholarly debate,<sup>11</sup> which has provided fertile ground for today's numerous multidisciplinary research projects.

<sup>9</sup> See, for example, the overview by Mordechai Breuer, 'Frühe Neuzeit und Beginn der Moderne', in Michael Graetz (ed.), *Deutsch-jüdische Geschichte in der Neuzeit Vol. 1. Tradition und Aufklärung 1600–1780*, p. 145; also Brigitte Heidenhain, *Juden in Wriezen: Ihr Leben in der Stadt von 1677–1940 und ihr Friedhof*, Potsdam 2007, pp. 14–15.

<sup>10</sup> See Moses Mendelssohn, *Brautbriefe*, with an introduction by Ismar Elbogen, (reprint) Königsstein/Ts 1985, p. 11. Mendelssohn's Privilege as an *Extraordinarius* only was not transferable to his wife and children and extinguished on his death.

<sup>11</sup> For historical research into criminality from a social and attitudinal viewpoint see Wolfgang von Hippel, *Armut, Unterschichten, Randgruppen in der frühen Neuzeit*, (EDG Vol. 34), Munich 1995, p. 92f. For extensive information from court files see G. Schwerhoff, *Aktenkundig und gerichtsmotivisch: Einführung in die historische Kriminalitätsforschung. Historische Einführungen 3*, Tübingen 1999, p. 13f. One of the first publications specifically about Jewish populations is Rudolf Glanz, *Geschichte des niederen jüdischen Volkes in Deutschland. Eine Studie über historisches Gaunertum, Bettelwesen und Vagantentum*, New York 1968; Maria Boes dissents vigorously in, 'Jews in the criminal justice system of early modern Germany', in: *Journal of Interdisciplinary History* 30,3 (1999) pp. 407–435. Otto Ulbricht was the first to point out the influence of Jewish offending and its punishment on our understanding of relations between Jews and non-Jews in, 'Criminality and Punishment of the Jews in the Early Modern

Unlike previous publications, this study will look at law-breaking from an entirely new angle. In addition to substantive crimes, organised or otherwise, Jews were also guilty of petty crimes, the catalysts for which were not necessarily poverty or repression, nor did they inevitably result in social demotion or even an existence at society's fringes.<sup>12</sup> Several offences clearly belonged to the social category and should be mentioned for that reason. They were born of opportunity; as in the case of Isaak Lemmel's theft they were not premeditated and did not target a particular victim. Jewish opportunistic criminality qualifies our idealised notion of Jewish society without our immediately having to deal with the culprit and the crime. We cannot even be certain that unreported Jewish crime figures exceeded those shown in the available source material. It is more likely that the files also contain cases of Jews who were wrongly accused. Actual crimes were rare exceptions and researching them hardly lends itself to the attempt to trace the reality of life in general. Opportunistic criminality is different: it shows us the complex nature of the Early Modern Jewish existence. How openings for opportunistic crime arise constitutes a particularly valuable resource in researching "history from below". Regarded as typical *Schutzjuden*, Isaak Lemmel and his family are suited to this type of research. Because each sovereign territory in the German region applied different laws, this study will restrict itself to one town and one family as representative both of Prussia and the old internal Prussian territories.<sup>13</sup>

### ISAAK LEMMEL AND THE OTHER *SCHUTZJUDEN* IN NEUSTADT-EBERSWALDE

Getting to know Isaak Lemmel is complicated by the fact that by 1738 there were two men of that name living in Neustadt-Eberswalde, one of whom was eighty years old<sup>14</sup>, the other who must have been twenty years old.<sup>15</sup> We can be fairly certain that they were father and son if for no other reason than that the custom of naming the son after the father was widespread. In the absence of any Jewish historical sources about the Lemmel family, we encounter Isaak Lemmel and the

Period', in R. Po-Chia Hsia, Hartmut Lehmann (eds.), *In and Out of the Ghetto: Jewish-Gentile Relations in Late Medieval and Early Modern Germany*, Cambridge 1995, pp. 49–70.

<sup>12</sup> See the depiction of delinquent Jews on the fringes of society in Christoph Kühn's *Jüdische Delinquenten in der frühen Neuzeit. Lebensumstände delinquenten Juden in Aschkenas und die Reaktionen der jüdischen Gemeinden sowie der christlichen Obrigkeit*, Potsdam 2008, p. 8.

<sup>13</sup> M. Boes shows that in seventeenth century Frankfurt, Jews were convicted more often and dealt with more harshly than their Christian counterparts (see fn. 11). This contrasts with K. Härter's theory that it is not possible to identify any anti-Jewish tendencies within routine legal practice - see Karl Härter, 'Strafverfahren im frühneuzeitlichen Territorialstaat: Inquisition, Entscheidungsfindung, Supplikation', in Andreas Blauert, Gerd Schwerhoff (eds.), *Kriminalitätsgeschichte, Beiträge zur Sozial- und Kulturgeschichte der Vormoderne. Konflikte und Kultur – Historische Perspektiven I*, Konstanz 2000, p. 459 ff.

<sup>14</sup> GStA PK, I. HA Geheimer Rat, Rep. 21 Kurmärkische Städte, Ämter und Kreise, No. 211n Fasz. 5, Juden in Neustadt-Eberswalde 1700–1746, Lemmel Isaak's letter of 30 July 1738.

<sup>15</sup> According to a report by the Kurmark Kriegs- und Domänenkammer to the King concerning a theft of goods in 1748, Isaak Lemmel is 30 years of age. See I. HA Rep 49 D Paket 1748–1749, May 1748.

few other *Schutzjuden* in the aspirational Kurmark town of Eberswalde through petitions and reports emanating from Prussian bureaucracy.<sup>16</sup>

Other than a reference in Stern's *Der preußische Staat und die Juden*,<sup>17</sup> Isaak Lemmel is not mentioned in history books: he left no memoirs, was neither wealthy nor influential and almost nothing is known about his business. He represents the average *Schutzjude* whose only traces, like so many of his contemporaries, have been left in the byways of administrative Prussia.

Put simply, Isaak Lemmel was a so-called *Schutzjude* from Prussia's old territories whose parents were among the first to have "safe conduct", one of the families upon whom protection within a specified town was bestowed well before the implementation in 1730 of Frederick William I's *General-Reglement*. Prussia's subsequent territorial expansion and the resulting implementation of the monarch's *Judenpolitik* complicated matters both for the immigrant Jewish population and the authorities. There was an increase in decrees tailored to specific areas, groups and individuals and the law was both unclear and inconsistent. However, the many attempts to unify the Jewish legislation should not deflect from the fact that the Prussian legal system was one of privilege and it was never the legislators' intention that it should be anything else. Paradoxically, it was these new circumstances and decrees which increased the Jews' room for manoeuvre in individual cases taking account of the size of Prussia's old territories: far away from the centre of power and assisted by the local administration, the opportunity existed to discover loopholes in the maze of regulations.<sup>18</sup>



Neustadt-Eberswalde, 1625, copper plate, by Matthäus Merian the elder, published by Matthäus Merian the younger in 1652 in the collected edition *Topographia Germaniae*. By courtesy of the Museum Eberswalde collection.

<sup>16</sup> There are even difficulties as to the correct spelling of the name, in some sources spelt Isaac and in others Isaak, and other variations. For the purposes of this study and for consistency, I have opted for the orthographic variant Isaak.

<sup>17</sup> *op.cit.*

<sup>18</sup> See Noa Sophie Kohler, 'Wege zum Haus, Handlungsspielräume preußischer Juden in der Frühen Neuzeit', in *Zeitschrift für Geschichtswissenschaft* 1, 56, 2008, pp. 1005–1023.

In the early eighteenth century the small town of Neustadt-Eberswalde, some fifty kilometres north-east of Berlin, slowly recovering from the ravages of the Thirty Years War, had a population of about 1400. In 1681 it welcomed Huguenot immigrants, in 1691 Swiss immigrants who founded a reformed church.<sup>19</sup> There were 258 half-timbered houses, the roofs of two of which were not tiled but thatched; substantial stone houses came about only after 1790.<sup>20</sup> In 1693, Eberswalde was home to 20 clothiers. From the mid-eighteenth century there were several metalworks whose main purpose was to supply the standing army.<sup>21</sup> There were apparently no Jews there until 1696, when a Jew from Gramzow called Jacob Joseph managed to obtain a letter of safe conduct for Eberswalde.<sup>22</sup> A quarter of a century later, in 1720, a local administration census - the purpose of which was to provide the authorities with information about the current population and in varying degrees about the Jewish population - listed two Jewish families and a young bachelor living in Neustadt-Eberswalde who were classified as *Schutzjuden*. The only female *Schutzjude* who must have been living in the town appears not to be listed. The extremely detailed analysis ends with a summary according to which there were two *Schutzjuden* in Eberswalde; it seems the author of the census wrongly entered the young bachelor in the *Schutzjuden* column.<sup>23</sup>

Even an apparently objective source such as a census can be misleading. A count of the number of *Schutzjuden* in one location, even taking into account women, children and domestics, omitted those without so-called safe conduct, in other words Jews without protection who were tolerated and were always liable to expulsion. Furthermore, it is almost impossible to estimate the number of Jews living illegally in any one place. And finally, the methods of conducting censuses were often imprecise leading, as has just been illustrated, to contradictions. The censuses cannot be regarded as statistically accurate but rather as a guideline. They do clearly show, however, that the Jewish inhabitants of Neustadt-Eberswalde were typical of Prussian Jews generally. The overwhelming majority of Prussian Jews lived in rural areas or small towns, usually in insufficient numbers to make up a *minyán* or justify their own cemetery. It follows that they had neither their own rabbi, *shammas* nor Elder. Such was the case in Neustadt-Eberswalde: with too few Jewish families to form a religious community, they convened in Lemmel Isaak's home and depended on neighbouring Biesenthal, where, until 1751, they also

<sup>19</sup> See Friedrich W.A. Bratring, *Statistisch-topographische Beschreibung der Gesamten Mark Brandenburg*, Berlin 1804–1809, new edition by Otto Büsch & Gerd Heinrich, Berlin 1968, Vol. 2, p. 232 (original p. 750). It is unclear whether the total takes account of Jewish households; in 1722 women were not included; in 1720, the number of inhabitants was stated to be 1630. For the Swiss Colony see p. 231 (original p. 449).

<sup>20</sup> *Ibid.*

<sup>21</sup> For clothiers see Stern, I. Pt. 2. Akten, Akte No. 215, p. 184. For metalworks, see Rolf Straubel, *Kaufleute und Manufakturunternehmer: Eine empirische Untersuchung über die sozialen Träger von Handel und Grossgewerbe in den mittleren Preussischen Provinzen (1763 bis 1815)*, Stuttgart 1995.

<sup>22</sup> Jacob Joseph's letter of safe conduct can be found in GStA PK, I. HA Rep.21 No. 208 e 1.Fasz. The investigation files dealing with letters of safe conduct issued to Jews start with the year 1696, see GStA PK, I. HA Rep.21 No. 203 a Fasz. 6.

<sup>23</sup> Reprinted in Stern, II. Pt. 2. Akten, Akte No. 88, pp. 132–135.



buried their dead.<sup>24</sup> The Prussian administrative files provide eloquent testimony to the pragmatic attempts by the Neustadt-Eberswalde Jews to fulfil the religious and ritual requirements. They submitted to the control of the rabbi in Frankfurt an der Oder and there was a chairman in Biesenthal called Israel.<sup>25</sup> Local community officials included a schoolmaster, a male nurse and a cantor; and, as exemplified by the case of the cantor, their expectations as to the men's qualifications were very modest. The appointment came only after a bureaucratic tug of war with the authorities since it came with the right of abode.

The 1720 census which identifies, typically, the heads of families and children but not wives, introduces us to the panoply of Neustadt-Eberswalde's Jewish inhabitants. First there is a young man of thirty: Salomon Jacob (or Kallmann), and his wife. Childless, they were tenants and had lived in Neustadt-Eberswalde for six and a half years. What is not apparent from the census but can be reconstructed by document comparison is that Kallmann's unnamed wife is a daughter of the widow Charlotte Levi.<sup>26</sup> Charlotte Levi's first husband was the previously mentioned Jacob Joseph, killed in about 1701, as a consequence of which – as prescribed by the Edict of 20 May 1714 – Charlotte was granted one half of the protection money as his widow.<sup>27</sup> Whilst not herself mentioned in the census, the widow tried to secure tolerance for the young couple.<sup>28</sup>

Next is 48 year old Samuel Marcus who lived with his wife and two sons aged ten and fourteen in his own, albeit apparently humble, house valued by the local authorities at thirty Reichsthaler. As today, it is difficult to compare property values. A house valued at 200 Reichsthaler was probably built of stone – and there were no such properties in Neustadt-Eberswalde at that time – whilst a two-figure sum was more likely to indicate a house or mud hut with a thatched roof. Samuel Marcus and his family had lived in Neustadt-Eberswalde for almost twenty years. There were two adult daughters who, according to the census, had gone into domestic service in Berlin, a fate no doubt common to most Jewish girls. Although by law the daughters could have stayed in the parental home, it seems that the family could not afford it.<sup>29</sup> Incidentally, in this regard the census is not up to date since one of the daughters, the as yet childless wife of Salomon Kallmann, had

<sup>24</sup> GStA PK, HA Rep.21 No. 203 a Fasz.6 1720–1724, page 42b; see also, *Jüdische Friedhöfe in Berlin und Brandenburg*. Eberswalde, 2003. Alemannia Judaica - Arbeitsgemeinschaft für die Erforschung der Geschichte der Juden im süddeutschen und angrenzenden Raum. As at 22. November 2009. <http://www.alemannia-judaica.de/brandenburg.friedhoeft.lb.htm>

<sup>25</sup> GStA PK, HA Rep.21 No. 203 a Fasz.6 1720–1724, Page 43.

<sup>26</sup> Referred to in Charlotte Levi's petition for the marriage of her daughter to Salomon Kahlmann/Callmann/Kallmann, see GStA PK, HA Rep.21 No. 208 e 1 Fasz. 1696–1720, August 1720.

<sup>27</sup> GStA PK, HA Rep.21 No. 208 e 1 Fasz., November 1701. The 20 May 1714 Edict is reprinted in Ismar Freund, *Die Emanzipation der Juden in Preussen, Vol. II Documents*, Berlin 1912, pp. 6–14.

<sup>28</sup> GStA PK, HA Rep.21 No. 208 e 1 Fasz., November 1701 and August 1720.

<sup>29</sup> For further information, more particularly as to the maidservants' sexual exploitation by their masters, see Ronnie Po-chia Hsia, 'Innerjüdische Konflikte und das Reichskammergericht', in Andreas Gotzmann, Stephan Wendehorst (eds.), *Juden im Recht*, pp. 328–329; for the socioeconomic background of Jewish servants of both genders, see Tami Shimshi-Licht, *Jewish Servants and Maids in Early Modern Germany*, unpublished dissertation, pp. 53–55 and pp. 60–61 (Hebrew); for information in the census, see Stern, II. Pt. I. Darstellung, p. 144.

returned to live in Eberswalde. We know more than the author of the 1720 census thanks to a further document which tells us who Samuel Marcus' unidentified wife was: none other than Salomon Kallmann's mother-in-law, Charlotte Levi.<sup>30</sup> The widowed *Schutzjüdin* had stayed on, initially continuing her late husband's business,<sup>31</sup> and had then remarried. That she carried on her late husband's business was not unusual. Perhaps the best-known example is that of the Court Jew Esther Liebmann in Berlin who not only took over the business of her late husband, the Court Jew Israel Aaron, but on her remarriage, transferred it to her second husband whom she also survived and whose business she also took over.<sup>32</sup> Charlotte Levi was permitted by law to determine to which of her children the Privilege should be transferred on their father's death.<sup>33</sup> Through her second marriage Charlotte had provided for Samuel Marcus' right of abode as well as for that of her son-in-law Salomon Kallmann, to whom the privilege of protection enjoyed by her murdered first husband, Jacob Joseph, had been transferred before 1720.<sup>34</sup>

Previous research barely acknowledges the key role of widows of *Schutzjuden* in the particular conditions applicable to Jews in Early Modern Prussia. The present case illustrates clearly however that it was only thanks to Charlotte Levi that the Neustadt-Eberswalde Jewish community grew significantly, no mean feat against a background of constant expulsion of her co-religionists. Presumably Jewish women were as interested as Jewish men in building up a stable community. Even after the Privilege laws were further restricted by the Edict of 1750, the status of widowhood will have brought *Schutzjüdinnen* not insignificant social capital. And this may also have applied particularly to poorer *Schutzjüdinnen* who – like their wealthier co-religionists – were active in making connections.<sup>35</sup> Charlotte Levi repeatedly

<sup>30</sup> This can also be extrapolated from the *Schutzjude* Samuel Marcus' rejection of Charlotte Levi's petition to establish her two daughters in the town in September 1718. GStA PK, I. HA Rep.21 No. 211n Fasz. 5.

<sup>31</sup> Grant to the widow Charlotte Levi to continue her husband's business, August 1700. GStA PK, I. HA Rep.21 No. 211n Fasz. 5.

<sup>32</sup> Robert Liberles offers a brief insight into the opportunities and challenges of widowhood status in the Jewish context. See 'An der Schwelle zur Moderne', in Marion A. Kaplan (ed.), *Geschichte des jüdischen Alltags in Deutschland: vom 17. Jahrhundert bis 1945*, Munich 2003, pp. 21–122, esp. pp. 58–59; for widows as executors, see Birgit Klein, 'Nach jüdischem Recht oder "Puderhähner Gesetzen?" Frauen im Kampf um ihr Vermögen im frühneuzeitlichen Aschkenas', in Sabine Hödl, Peter Rauscher, Barbara Stauding (eds.), *Hofjuden und Landjuden. Jüdisches Leben in der Frühneuzeit*, Berlin-Vienna 2004, pp. 185–216.

<sup>33</sup> Freund, p. 9 (20 May 1714 Edict). The Edict ties in with "the Electoral Resolution concerning the protected Jews of Halberstadt, Kleve 1661". Reprinted in Stern, Pt. 2. Akten, Akte No. 115, pp. 100–103, esp. p. 102.

<sup>34</sup> *Idem*, File No. 88, p. 133. The Regulation intended to provide his protection dates from February 1721.

<sup>35</sup> A definitive exploration, albeit based on entirely different regional and social facts, can be found in Claudia Ulbrich, 'Eheschließung und Netzwerkbildung am Beispiel der jüdischen Gesellschaft im deutsch-französischen Grenzgebiet (18. Jahrhundert)', in Christophe Duhamelle, Jürgen Schlumbohm, Pat Hudson (eds.), *Eheschließungen im Europa des 18. und 19. Jahrhunderts. Muster und Strategien*, Göttingen 2003, pp. 315–338. Since the 1750 General-Reglement, however, childless widows who wished to remarry were not permitted to benefit from rights of Privilege; they and their prospective husbands were treated as *Extraordinarii* and were subject to the relevant conditions. A widow without right of abode was expelled. This befell the widow David from Neustadt-Eberswalde, who was denounced by a Christian and by the *Schutzjude* Caspar Jonas, and



but unsuccessfully tried to secure right of abode in their home town of Neustadt-Eberswalde for her other two daughters.<sup>36</sup> Nevertheless, sixteen years later in 1736, Charlotte and Samuel's oldest son, Hirsch Samuel, succeeded in being appointed as nurse and grave-digger in Eberswalde,<sup>37</sup> which secured his right of residence as a public servant (*"publiker Bedienter"*), and nor did he have to pay protection money.<sup>38</sup> As a community official, however, he was not permitted to have an additional income from trading, a prohibition strictly enforced by the Prussian authorities, neither was he permitted to own a property. He tried once more three years later in 1739 to apply for a horse-trading licence,<sup>39</sup> intending to conduct his own business. Nothing came of it however – Hirsch Samuel was still a nurse in 1743.<sup>40</sup> When, due to indebtedness, there was a forced sale of Salomon Kallmann's former home (and thus that of Hirsch Samuel's half sister) Hirsch Samuel was able to offer to buy it from the Preachers' Widows and Orphans Fund (*Prediger Witwen und Waysen Casse*) "in return for prompt payment".<sup>41</sup> Admittedly in a poor state of repair (the *Casse* did not wish to retain it because of its poor condition and location), it had served both as a home and a synagogue for the Eberswalde Jews. Indeed the approval of the sale may be an indication that by 1746 Hirsch Samuel was no longer a nurse. Whether the Rosenstrasse synagogue described in the *Statistisch-topographische Beschreibung* is the private synagogue or a new building has not been conclusively established.<sup>42</sup> According to the oldest extant gravestone in the Eberswalder Jewish cemetery dating from 1784, Hirsch ben Schmueel (= Samuel) – to whom it can be ascribed – reached the age of 78.<sup>43</sup>

Finally, the name of the 35 year old bachelor schoolmaster Jonas Hirsch appears in the 1720 census. He had arrived only six months earlier and probably tutored the two boys. The small town had few Jewish inhabitants (and few with financial muscle) in contrast to neighbouring Biesenthal which boasted as many as thirteen Jewish families with a total of seven houses, none of which was valued below fifty Reichsthaler, and one of which was valued at 200 Reichsthaler.

The next chart for 1728<sup>44</sup> – in which the heads of the four Jewish families of Neustadt-Eberswalde are listed by name (including the addition of Carpas Jonas of whom more later) – shows that Samuel Marcus' modestly endowed family had achieved protected status as had Salomon Kallmann. This is our first encounter

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was forced to leave the country in 1746. This case illustrates yet again how desperately fought over were the few places allocated for Jews to live in. See GStA PK, I. HA Rep.21 No. 104 Paket 3, 1729–1813.

<sup>36</sup> GStA PK, I. HA Rep.21 No. 211n Fasz. 5, August 1718 and March 1724. She also applied, in May 1738, to transfer her house to her eldest daughter Rahel who was then already 46.

<sup>37</sup> GStA PK, I. HA Rep.21 No. 211n Fasz. 5, 1736.

<sup>38</sup> According to § 22 General-Reglement of 29 September 1730, reprinted in Freund, p. 20.

<sup>39</sup> Siehe GStA PK, I. HA Rep.21 No. 211n Fasz. 5, 1739.

<sup>40</sup> See the 1743 census of Jewish inhabitants in the Kurmark towns in Stern, III. Pt. 2. Akten, Halbband. I., Akte No. 30, pp. 64–99, (p. 86).

<sup>41</sup> Siehe GStA PK, I. HA Rep.21 No. 104, Paket 3.

<sup>42</sup> Bratring, p. 232 (original p. 750).

<sup>43</sup> See Jüdische Gemeinde zu Berlin, Essays, *Jüdische Spuren in ... Eberswalde*, 01 November 2007, <http://www.jg-berlin.org/beitraege/details/juedische-spuren-in-eberswalde-2007-11-01.html>

<sup>44</sup> Reprinted in Stern, II. Pt. 2. Akten, No. 204, p. 269.

with Lemmel Isaak, the father of Isaak Lemmel.<sup>45</sup> Other documents show us the different course taken by his son-in-law Moses Ascher. According to one document dating from 1738, Lemmel Isaak was also known as - and referred to by the authorities as - Samuel Isaak. The document refers to the appointment of Moses Ascher, Samuel Isaak's future son-in-law, to the post of cantor.<sup>46</sup>

So who was Samuel Isaak, alias Lemmel Isaak? The "petition of Samuel Isaak of 13th December 1719" reveals something of his personal story. Having discovered that the Prussian bureaucracy had lost his minutes and supplements (*"Memoriale und Beilagen"*), he again petitioned the authorities as he had done two years previously. He was born in Landsberg an der Warthe and in 1701 was granted protective status for the town of Eberswalde where he lived, paying his annual protective and silver dues. Now that his family had grown he requested letters of safe conduct to Angermünde, that is he wanted his protection to be transferred. The Angermünde authorities took the view that due to the expulsion of "Jews without safe conduct", there was sufficient room for his family; and the two remaining Angermünde Jews did not object. In early 1720, it was decided that he should resubmit his report.<sup>47</sup> It is not recorded whether he was granted permission to move to Angermünde nor why, eight years later, the family appears in the Eberswalde census. It is possible that he really did move to Angermünde and then moved back which would explain why there is no reference to him in the 1720 Eberswalde census. The case of *Schutzjude* Abraham Moses at about the same time is similar: with protected status he was permitted to settle in Luckenwalde in 1729, Salzwedel in 1734 and again in Luckenwalde in 1735, albeit at great expense in fees.<sup>48</sup>

In 1736 Isaak Samuel, Samuel Isaak's son, was granted safe conduct in Eberswalde as the eldest and only son - given the chronology, this could quite possibly have been Isaak Lemmel, Lemmel Isaak's son. And finally, an annotation in the 1743 residents list reveals that Samuel Isaak, Isaak Lemmel's father, was in receipt of charity in his son's home.<sup>49</sup> He was eighty five years old.

From what we now know, the Lemmel family typified the average *Schutzjuden* family in its make up; most Prussian Jews lived in small townships and were not well off.<sup>50</sup> However, before we come to Isaak Lemmel himself and his criminal activity, let us first turn to another member of the family mentioned previously: Lemmel Isaak's son-in-law Moses Ascher.

<sup>45</sup> Reprinted in *ibid.* p. 268.

<sup>46</sup> GStA PK, I. HA, Rep. 21, No. 211n Fasz. 5, 1739.

<sup>47</sup> GStA PK, I. HA Geheimer Rat, Rep. 21, No. 207 a Fasz. 2 Juden in Angermünde 1712–1748.

<sup>48</sup> See Joseph Freudenthal, *Chronik der Synagogen-Gemeinde zu Luckenwalde und deren Vorgeschichte. Zum 50 jährigen Jubiläum der Synagogen-Gemeinde*, Berlin, 1920, pp. 7–8.

<sup>49</sup> See Stern, III. Pt. 2. Akten, Halbband. 1., Akte No. 30, pp. 64–99, (p. 86) (as fn. 39).

<sup>50</sup> For further detail about rural Jewry in general: Monika Richarz, Reinhard Rürup (eds.), *Jüdisches Leben auf dem Lande*, Tübingen 1997. For the final expulsion of impoverished *Schutzjuden*: 'Der preussische Weg der Judenemanzipation. Zur Judenpolitik des "aufgeklärten Absolutismus"', in *Zeitschrift für Historische Forschung*, 35/3 2008, pp. 449–482, especially pp. 471–482.

It seems that Moses was also a have-not, the son of a *Schutzjude* from the Neumark town of Königsberg.<sup>51</sup> In 1738, a year before he married, he was sentenced to a term of imprisonment and his father Ascher Menasse, although not wealthy, offered to stand surety in the sum of 100 Reichsthaler. (In 1729, according to the Prussian files, he was unable to comply with the demand for immediate payment by a merchant "...of all due debts..." and asked to pay in instalments.)<sup>52</sup> Since it was not in the interests of the authorities "that the *Schutzjude* Ascher Menasse [...] be unnecessarily ruined" he was permitted to repay his debts in annual instalments of fifty Reichsthaler. Moses Ascher then found himself in the unfortunate position of being arrested and sentenced for issuing a bill of exchange in exchange for cash "to a respected lady and baker" from Neustadt-Eberswalde "who was a close relation of Councillor Gliedern". It transpired however that it was the woman who had stolen the money. Moses Ascher was arrested and "was set upon with chains and straps like the worst criminal [...] and chained to the wall for 12 weeks" whilst the thief "was detained in custody in tolerable conditions".<sup>53</sup>

Reference has already been made to inequality before the law in Prussia. A study of Prussian court files gives an impression of fairness within the prevailing legal system given that, in Prussia, the Jews too came within the juridical sphere.<sup>54</sup> The basis of the Early Modern legal system was not equality but, rather, inequality.<sup>55</sup> A legal system which was not unified combined with the unequal legal and social status of the Jewish population made for violations on the part of local authorities despite a gradual transformation in the official mediaeval approach arising from the increased centralisation of the criminal system. Anti-Jewish feelings were legitimated by the codified inequality which dictated legal procedure, as appears to have happened in the case of Moses Ascher. Nevertheless, he could have fared

<sup>51</sup> GStA PK, I. HA Rep 21 No. 104 Paket 3, 1729–1813.

<sup>52</sup> GStA PK, I. HA Rep 21 No. 73 Fasz. 22. As to the value and perils of court reports, see also Helga Schnabel-Schüle, 'Ego-Dokumente im frühneuzeitlichen Strafprozess', in Winfried Schulze (ed.), *Ego-Dokumente: Annäherung an den Menschen in der Geschichte*, Berlin 1996, pp. 295–317; also for a reading of court reports, petitions for protection and other administrative petitions, see Otto Ulbricht, 'Supplikationen als Ego-Dokumente. Bittschriften von Leibeigenen aus der 1. Hälfte des 17. Jahrhunderts als Beispiel', in *ibid.*, pp. 149–174; Cf. also Ralf-Peter Fuchs, Winfried Schulze (eds.), *Wahrheit, Wissen, Erinnerung. Zeugenverhörprotokolle als Quellen für soziale Wissensbestände in der Frühen Neuzeit*, Münster 2002; for the topic specifically under review here, see Birgit Rehse, *Die Supplikations- und Gnadenpraxis in Brandenburg-Preußen. Eine Untersuchung am Beispiel der Kurmark unter Friedrich Wilhelm II. (1786–1797)*, Berlin 2008.

<sup>53</sup> GStA PK, I. HA Rep 21 No. 104 Paket 3, 1729–1813.

<sup>54</sup> For a discussion on criminological norms and practice in the Early Modern German Reich see Siegrid Westphal, 'Der Umgang mit kultureller Differenz am Beispiel von Haftbedingungen für Juden in der Frühen Neuzeit', in Andreas Gotzmann, Stephan Wendehorst (eds.), *Juden im Recht*, pp. 139–161, esp. p. 141; also Johannes Mordstein, 'daß wir ebenfahlß Eur Hochgräffliche Excellenz gehorsame unterthanen seint. Partizipation von Juden an der Legislationspraxis des frühmodernen Staates am Beispiel der Grafschaft Ottingen 1637–1806', in Rolf Kiessling, Peter Rauscher, Stefan Rohrbacher, Barbara Staudinger (eds.), *Räume und Wege. Jüdische Geschichte im Alten Reich 1300–1800*, Berlin 2007, pp. 79–106, esp. p. 104.

<sup>55</sup> See, for example, Michael Stolleis, 'Von den Rechtsnormen zur Rechtspraxis. Zur Rechtsgeschichte der Juden um Heiligen Römischen Reich Deutscher Nation', in: Andreas Gotzmann, Stephan Wendehorst (eds.), *Juden im Recht*, p. 23.

worse had the Edict of 1725 been strictly applied "... where a Jew knowingly buys stolen goods he must return them without charge and may be whipped and branded, the fence will not be charged, but expelled from the regions [ . . . ]."<sup>56</sup> In its outcome, this case illustrates the discrepancy between law and practice in the then prevailing climate of justice, a strict application of the law not serving the authorities' interests.

Following this case, the post of cantor provided Moses Ascher with accommodation; thus, like the gravedigger Kallmann, he was an employee of the community, was paid from community funds and had the right of abode. It had not been easy, however, to attain the post of cantor. In April 1738, by which time Lemmel Isaak was head of the seven-family strong Neustadt-Eberswalde community, the authorities refused his request to appoint his son-in-law. The community should continue without a cantor, they said, as no more Jewish families would be permitted to settle. Lemmel Isaak would not take no for answer. He filed a further petition that he should at least be permitted to retain his daughter and Moses Ascher as maid and male servant after their marriage as he only had one son. He argued that he was in a difficult situation: eighty years old and widowed, no longer capable of handling the business alone and had even incurred debts which could expose the house to a forced sale. He was willing for his daughter to marry Moses Ascher, especially as he had offered to manage the business, assume the debts and look after him; this would ensure that both taxes and state would be paid. He also produced evidence that he could not manage without a male servant.<sup>57</sup> What was at stake for Lemmel Isaak? Prior to 1730 children of *Schutzjuden* were permitted to remain in the parental home although they did not have the right to set up their own business. However with the passing of time, the right to inherit the entitlement to safe conduct - the Right of Privilege - became increasingly restrictive and was linked to wealth. From 1730, daughters and third sons were totally excluded, the first-born son had to evidence assets of 1000 Reichsthaler and the second son 2000 Reichsthaler.<sup>58</sup> Having only one son and one daughter, it was clearly vital to Isaak Lemmel that his daughter be permitted to remain with him. Thus – treating the Statute as a basis for discussion – he initiated negotiations with the authorities, putting forward varying lines of argument and proposing various solutions.

Not only is this typical of Prussian Jews' petitions, it also illustrates a detailed knowledge of the prevailing Establishment attitude. Lemmel Isaak's "discussion" with the authorities went thus: given that father and son were not conducting separate operations, there would be no increase in Jewish businesses. This

<sup>56</sup> See Des Corporis Constitutionum Marchicarum, Fünffter Theil Von Policy- Hochzeit- Kindtauffen- (...) In Fünff Abtheilungen, Fünfte Abtheilung. Von unterschiedenen zum Policy-Wesen gehörigen Sachen. Das III. Capitel. Von Juden-Sachen. No. XXVI, 24 December 1725. Digitised at: <http://altdrucke.staatsbibliothek-berlin.de/Rechtsquellen/CCMT55/start.html>

<sup>57</sup> The entire proceedings can be found in GStA PK, I. HA, Rep. 21 No. 211n fasz 5. Forced property sales in cases of indebtedness were common and affected the population across the board, Jews and Christians alike.

<sup>58</sup> Freund, p. 19. Paragraph 12 states: "To be admitted to the Privilegium, the first-born son must have minimum assets of 1000 Reichsthaler, the second son a minimum of 2000 Reichsthaler [ . . . ] but daughters will not be admitted under any circumstances."

negotiating tactic was not exactly original: a number of local Christian merchants relied on it when arguing against a disadvantageous increase in Jewish competition.<sup>59</sup> He went on to suggest the sense in granting the petition of an old man who, after all, was entitled to a male servant. Nor was it unusual that he should want to employ his own son-in-law as a male servant, the precedent being that in 1724 of the *Schutzjude* Manasse Arndt from Wriezen, except that his son-in-law was widowed and childless.<sup>60</sup> Lemmel Isaak had reason enough to mention that he had only one son – who was to look after an old man like him? It was not in the authority's interest to cause the impoverishment of *Schutzjuden*. Once totally impoverished they would be expelled from the Land involving the associated bureaucratic measures. By stating his willingness to marry Lemmel's daughter Hanna and to ensure that all taxes would be paid, Moses Ascher sought to convince the state, as he would his future father-in-law, that he was the saviour from disaster.

Unimpressed, Minister von Broich rejected the April petition for the grant of the position of cantor in the summer of 1738. Six months later, however, Salomon Kallmann, as a representative of the Jewish community, was officially approached and gave the authorities three reasons to appoint Moses Ascher to the post: first, that the community was unanimous in wanting Moses Ascher to be appointed cantor if he was of good character; second, they needed a cantor "because the schoolmaster couldn't sing which meant that one of them had to do the best he could"; and third, that they had previously had a cantor. In addition, the community provided a letter from "all the Neustadt-Eberswalde Jews" – issued by the Mayor and the Council – attesting to Moses Ascher's good character. The twelve weeks which Moses Ascher spent in custody were no impediment as he had cleared his name. In July 1739, Moses was finally granted the concession as cantor – a further instance that each case was decided on its merits and that criminal records, in today's sense, were of no interest to the authorities.

By 1743 the number of *Schutzjuden* families in the Neustadt-Eberswalde community had increased to nine so a *minyan* was guaranteed.

The Jewish inhabitants of Neustadt-Eberswalde also provide an insight into the multiplicity of petitions which the Prussian regulations forced on the Jewish population. Because residence, marriage and home ownership were linked to concessions, the population had to make its mark from the outset. Indeed despite justification on utilitarian grounds, the aim of the policy was that Jews should not go unnoticed and that every aspect of their lives should be strictly controlled. Petitions were the only way in which the Jewish population could communicate to the authorities their wishes, views and demands. The purpose of outlining their position in a petition was to persuade the authorities to grant their requests. It is highly likely that the petitioner exaggerated his situation, omitting important details or manipulating the facts to his advantage. Nevertheless these documents

<sup>59</sup> For the similar contemporaneous case, in Kurmark, of Pincus Moses whose attempt to live in his father's house was strongly opposed by the grocers' guild, see GStA PK, I. HA, Rep 21 No. 129.

<sup>60</sup> See Heidenhain, pp. 41–42.

reflect the reality of life – in this case the daily hardships suffered by Prussia's Jewish population. The petitions are not authentic given that they were drafted and written by lawyers, not by the petitioners themselves. But they evince the Jewish petitioners' awareness of their position, their goal and, above all, of the political environment. Lemmel Isaak was not alone, any more than was Charlotte Levi, in arguing at various levels to secure a right of abode for his future son-in-law Moses Ascher by means of an appointment to a communal position, emphasising not only the unity and unanimity of the Jewish community but also introducing a good conduct certificate issued by the local administrative authority. He was but one of many who actively sought to improve his family's circumstances by "official means". It is most probable that individual petitioners provided the lawyer with relevant personal material, not least because to do otherwise would imply that they had neither learnt from their own case nor from each others' when, as Rotraud Ries emphasises, they demonstrated their ability "to seek expert advice".<sup>61</sup> The extent to which the Jewish population of Eberswalde had mastered the German language is secondary; they demonstrated their determination to do battle with the all-powerful legislature to achieve their ends.

On 16 September 1739, shortly after his appointment as cantor, Moses Ascher married Lemmel Isaak's daughter Hanna, an event which involved him in considerable bureaucracy on the one hand and new dues on the other. The power to control marriage was an important tool of Prussian policy to prevent the natural growth of the Jewish minority. The August 1722 "General Decree that Jews who wish to marry must first settle with the Conscript Fund" literally declares that "the proliferation and spread of Jew families not only contravenes the fundamental Reich and Land Constitutions but also violates the revered Founding Fathers' intentions [...]" so that "no Jew shall copulate or marry until he has registered with our Conscript Fund, reliably declared his age and obtained permission or a certificate to marry ...". Both the illegally married couple and the rabbi officiating risked severe punishment for breach.<sup>62</sup> The 1730 *General-Reglement* provided amongst other things that, as a precaution, two witnesses must attend the marriage, which failure to comply with would result in a fine of 100 Reichsthaler.<sup>63</sup> Genuine

<sup>61</sup> Rotraud Ries, 'Politische Kommunikation und *Schadlanut* der frühneuzeitlichen Judenschaft', in Rolf Kiessling *et al.* (eds.), *Räume und Wege. Jüdische Geschichte im Alten Reich, 1300–1800*, Berlin 2007 (Colloquia Augustana 25), pp. 169–191, esp. p. 186.

<sup>62</sup> Christian Otto Mylius, *Corpus Constitutionum Marchicarum, Oder Königl. Preußis. und Churfürstl. Brandenburgische in der Chur- und Marck Brandenburg, auch incorporirten Landen publicirte und ergangene Ordnungen, Edicta, Mandata, Rescripta* [et]c.: Berlin and Halle [1737]–1755, Fünffter Theil, Fünfte Abtheilung, III. Capitel Von Juden-Sachen, No. XLIII, pp. 185–186. Regulation available at <http://altdrucke.staatsbibliothek-berlin.de/Rechtsquellen/CCMT55/start.html>

<sup>63</sup> "The avoidance by the Jewish couple intending to marry of setting up a marriage contract which shall not be drafted nor signed by the current rabbi and two of the Elders shall be punishable by a fine of 100 Rthlr." [„Die zwischen den Jüdischen Verlobten zu errichtende Ehe-Stiftungen sollen in hiesigen Residentzien ohne Vorbewust und ohne Mitunterschrift des zeitigen Rabbi, und zweyer dermonathlichen Aeltesten, von keinem verfertigt werden, bey Vermeidung 100. Rthlr. Straffe ..."]. Freund, §14, p. 19.



autonomy in the matter of Jewish marriages was thus unthinkable in Prussia,<sup>64</sup> the issue of right of residence being linked with marriage, as previously illustrated by the battle for the appointment of cantor.

Having overcome the hurdle of permission to marry, there followed the next stage in Prussian bureaucracy. Hanna and Moses, although now married, were not free to buy a house and settle – they were even barred from “proliferating”. Since the 1699 General Decree of Elector Frederick III, the acquisition of real property required a special permit – Special Concession – for which it was necessary to petition. The purpose was to ensure local compliance with the restrictive decrees limiting the number of properties in Jewish ownership. This meant that many young Jewish newlyweds were unable to start their own household until a property had been sold to a Christian.

Because Moses had no letter of safe conduct, he was dependent on the post of cantor. In August 1732 his father Ascher Menasse had transferred his own Privilege to Moses’ oldest brother David Ascher. Interestingly, it was only six months later that Ascher Menasse received a new letter of safe conduct from the influential Berlin Court and Garrison agent Meyer Ries; in rare cases Jewish court agents were allocated a small number of blank letters of safe conduct which they could distribute to other Jews within a defined area.<sup>65</sup>

All these restrictions forced the Jewish population to explore feasible solutions. For Lemmel Isaak this meant assigning the house in the Rosenstrasse – complete with fixtures and fittings but also with all indebtedness charged against the property – to his daughter and son-in-law on their wedding day. Lemmel Isaak requested the use of a bedroom, a parlour and a few possessions during his lifetime. The house cannot have been all that humble given that there must have been a second parlour – a room which could be heated – otherwise the reference would have been to “the” parlour. Moses Ascher attests to this in complaining that the acquisition of the house, including all the debts, cost him 308 Reichsthaler “when it can hardly be worth that much”. Even allowing for the exercise of caution when reading petitions – which after all serve a particular purpose – one can still conclude that the house must have been fairly grand with several rooms and worth at least 300 Reichsthaler. With the help of Hanna’s dowry of 100 Reichsthaler, Moses Ascher repaid all debts in full thus keeping his word to her father before the marriage.

The following year, however, on 11 September 1740, he appealed to the Prussian authorities concerning a financial dispute with his father-in-law. He had been approached out of the blue by a Johann Christian Zosse who claimed entitlement to payment of a debt of fifty Reichsthaler incurred by his father-in-law. As was customary in such cases, there was a threat to force a sale. In his submission Moses Ascher argued variously, including that Zosse was not a registered creditor at the

<sup>64</sup> For the precise approval procedures and formalities for marriage during the period under consideration, see Walter Halama, *Autonomie oder staatliche Kontrolle. Ansiedlung, Heirat und Hausbesitz von Juden im Fürstentum Halberstadt und in der Grafschaft Hohenstein (1650–1800)*, Bochum 2005, pp. 125–130.

<sup>65</sup> He was granted the letter of safe custody. GStA PK, I. HA Rep. 21 No. 210 k Fasz. 3, December 1733.

time of Moses Ascher's agreement to pay listed creditors and that the identity of the debtor should first be established. What makes the case interesting is Moses Ascher's allegation that his father-in-law had colluded with Johann Christian Zosse, discussed how they could come by some money and came up with the idea that Zosse should pose as a creditor to whom Moses Ascher had to make retrospective payment. Who knows whether this suspicion was justified but it is by no means unlikely. What this extraordinary case reveals is an instance - albeit dubious - of mutual help between Jews and Christians recorded in the authority's files. Such is the nature of the source material that we never discover how Hanna felt about the conflict between her husband and her father even though their shared home was on the line. The files may be silent as to the participants' feelings but the outcome speaks volumes: according to the 1743 census, the elderly father no longer lives with his son-in-law but on his son's - Isaak Lemmel's - charity.<sup>66</sup>

Researching ordinary people's lives using court files or commentaries is more likely to disclose conflict than peaceful coexistence. Here, the conflict is clear and it is between a Jewish son-in-law and his father-in-law living under the same roof; the amicable understanding is between the Jewish father-in-law and his Christian "accomplice". However rare, such cases serve as a reminder that Jewish family life was not as idyllic as may appear from Glickl's memoirs, but could be as complex as neighbourly relationships between Jews and non-Jews.

And so we come full circle with Hanna's brother Isaak Lemmel. On 24 June 1746, at the age of 28, he was granted a concession to own his own house.<sup>67</sup> Two years later he was convicted of the offence which, thirty years later, was to deprive him of the nomination as Elder thanks to the objections of the Jewish community. In the spring of 1748 the *Kriegs- und Domänenkammer* reported to the King that Isaak Lemmel had been sentenced to "2 years hard labour" for shoplifting. His 28 year old wife Sophie had been acquitted.<sup>68</sup>

What had happened? One August evening Caspar Jonas, the Eberswalder *Schutzjude* (and, incidentally, Charlotte Levi's son-in-law)<sup>69</sup> returned home from a trade fair and deposited his bursting cases at the Town Hall because it was too late for the Customs visit. The following morning the majority of the goods had disappeared so he immediately applied for a search of Isaak Lemmel's home and shop "at the Town Hall" in the heart of the town.<sup>70</sup> When some of the stolen goods were found on his premises (including items popular not only with Jews such as sugarloaves, coffee beans and tea), Isaak Lemmel, his wife Sophie and their servants were arrested. He had already delivered several sacks of coffee to Hänschel the

<sup>66</sup> See Stern III. Pt. 2. Akten, Halbband.I, Akte No. 30, p. 64–99, esp. p. 86 fns. 39 and 48.

<sup>67</sup> *Ibid.* He must have already been in occupation and been granted the concession *post facto* since he is described as an owner-occupier in the 1743 census of Jewish inhabitants in the Kurmark towns.

<sup>68</sup> GStA PK I. HA, Rep. 49 D Paket 1748–1749.

<sup>69</sup> GStA PK I. HA, Rep. 21 No. 211n Fasz. 5 *Juden in Neustadt-Eberswalde 1700–1746* (15 April 1738).

<sup>70</sup> An old description of Eberswalde has it that "adjacent to the main entrance [to the Town Hall] was a lodging house consisting of a general store with associated parlour, bedroom, cellar and...for which the annual rent payable to the town was 17 Tlr". Rudolf Schmidt, *Geschichte der Stadt Eberswalde*, Vol. 1 up to 1740. Eberswalde 1939, p. 296.

clothier as security for the loan. Whilst Perle, the young wife of a *Schutzjude* Levin Mandel, was arrested for receiving stolen goods (the sack) from the clothier's wife, there was no evidence against Sophie and both women were eventually released. Isaak Lemmel on the other hand, who "behaved extremely bumpstiously during the investigation" – he maintained "slanderously" that Caspar Jonas had deliberately induced him to commit the theft and was hand-in-glove with the authorities – was actually imprisoned in Spandau fortress. Two months after his conviction, he applied to be released to house arrest on bail of 2000 Reichsthaler and a month later, it was decided that he had suffered enough having undergone hard labour and should be punished "only" by six weeks imprisonment on bread and water. This incident reveals a further characteristic of Early Modern criminal procedure, at least in Prussia, namely the opportunity for a defendant to make an official plea for a reduction in sentence.<sup>71</sup> Unfortunately, no research has yet been published on how Prussian prisons catered for specialised Jewish needs such as *kashrut*, *minyan*, Jewish holy days for example.

Following his early release from prison Isaak Lemmel was permitted to spend the rest of his life in his home town of Eberswalde.<sup>72</sup> Offences subsequently proved against him did not change that. Even custody and the other investigations did not result in his expulsion. Not content with that, Lemmel stood for election as Elder in 1773, even being described by *Kriegsrat* Trost and the local Magistrate as an apparently quiet, irreproachable and discreet man who was master of written and spoken German.<sup>73</sup> Whether through lack of knowledge or for financial reasons, the authorities did not object. The members of the Jewish community fared very differently, finding it necessary to "... protest because we are extremely upset that such a bad man as Isaak Lemmel who was imprisoned and underwent hard labour in Spandau fortress having committed all sorts of offences and dishonesty and was subject to inquisition on several occasions ...".<sup>74</sup> It is possible that in addition to the moral issues the community had other personal reasons for opposing Isaak Lemmel's election - but in this respect the files are silent.<sup>75</sup>

The story of opportunistic criminality in the daily life of our family is not yet over. Henoah - Isaak and Sophie's second surviving son - achieved the residence concession in 1763<sup>76</sup> and, like so many Prussian Jews affected by the retrospectively amended conditions of settlement, was forced to buy KPM porcelain to the

<sup>71</sup> According to Siegrid Westphal, it was only in the mid-nineteenth century that the right of appeal gave prisoners, deprived of all rights, some room for manoeuvre. See Westphal, *Haftbedingungen*, p. 140.

<sup>72</sup> A record of the investigation into the alleged fraud of Hans Ludwig Christian von Roebel by the Lemmel couple can be found in GStA PK I. HA, Rep. 49, Lit. K, Paket 8, April 1770. Sophie Lemmel was sentenced to a term of imprisonment for an offence of slander; in 1770 the sentence was commuted to a fine. See GStA PK I. HA, Rep. 49, Lit. E, Paket 1763–1771.

<sup>73</sup> See Stern, III. Pt 1. Darstellung, Tübingen 1971, p. 293. (See fn. 1).

<sup>74</sup> GStA PK, II. HA, Generaldirektorium, Abt. 14 Kurmark, Tit. CCXXXII, Generalia, No. 20, Bl. 25. See also fn. 1.

<sup>75</sup> *Ibid.*

<sup>76</sup> GStA PK, I. HA, Rep. 104, IV C, No. 236 b, Bl. 86. I am grateful to Tobias Schenk for this reference and for commenting on an earlier version of this paper.

value of 300 Reichsthaler to acquire the ownership concession for the parental home.<sup>77</sup> Further research subsequent to this study reveals that in the 1770s he too became acquainted with prison, probably also the Spandau fortress. As the official report succinctly puts it: “Served a long sentence in the fortress for smuggling tobacco [...]. Permission granted to keep the house for which a concession was granted to [Isaak] Lemmel on 3 May 1769.”<sup>78</sup>

Alerted by the refusal by the Jews of the Kurmark and Berlin to elect Isaak Lemmel because of his criminal antecedents, we have stumbled on a family where neither grandfather, father nor son felt bound by the law; where there was probably collusion by Isaak Lemmel’s wife Sophie (there should be further research on the roles played by the two sexes in opportunistic criminality) and where none of the three was expelled by the Prussian authorities, nor served a prison sentence which caused them lasting disadvantage. The Lemmel family, like the other Jewish inhabitants of Neustadt-Eberswalde, was not well off but was a little better off than the others; their offences were not prompted by need. It follows that it was not in the authorities’ interest to expel or stigmatise reasonably well-regarded *Schutzjuden*. Perhaps thanks to the pivotal role his father had built up in the community, Isaak Lemmel was sufficiently self-aware to apply for the office of Elder despite his repeated clashes with the law. On the other hand, the Jewish communities had reasons to resist having this choice forced on them by the Prussian authorities. The explanation will have to remain a subject for speculation. But at the very least the Jews differed in their views on the events and pursued other interests.

<sup>77</sup> See Tobias Schenk: ‘Friedrich und die Juden.’ in: *Friedrich300 - Colloquien, Friedrich der Große - eine perspektivische Bestandsaufnahme* URL accessed on 07.07.2009: <http://www.perspectivia.net/content/publikationen/friedrich300-colloquien/friedrich-bestandsaufnahme/schenkjuden>

<sup>78</sup> GSStA PK, I HA, Rep. 104, IV C, No. 236 b. Rescript vom 15. April 78.